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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR 09-00868 CW
	)	
Plaintiff,	)	
	)	
v.	)	<del>[PROPOSED]</del> ORDER EXCLUDING
	)	TIME PURSUANT TO THE SPEEDY
	)	TRIAL ACT
AGUSTIN ORDAZ,	)	
a/k/a "Augustin Ordaz-Villagomez,"	)	Date: November 4, 2010
	)	Time: 10:00 a.m.
Defendant.	)	Court: Hon. Laurel Beeler
	)	
	)	

The defendant, Agustin Ordaz, represented by Nicholas Reyes, and the government, represented by Wade M. Rhyme, Assistant United States Attorney, appeared before United States Magistrate Judge Laurel Beeler on November 4, 2010 for a change of plea/status/trial re-setting in the above-entitled matter. The parties acknowledged that they were close to a final negotiated pre-trial resolution of the case but that Defendant was not yet prepared to enter a plea. The Court agreed and acknowledged that the previously set trial date of January 10, 2010 would need

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1 to be vacated based on the Court's availability. Counsel for the Defendant then requested a new  
2 trial date of April 25, 2011 and requested that time be excluded for effective preparation and  
3 continuity of counsel until that date. Counsel for Defendant acknowledged that he needed  
4 additional time to continue his investigation and for pre-trial preparation. Counsel for the  
5 government stated that he would be producing additional discovery to Defendant, including  
6 voluminous recorded jail telephone calls and additional information pertaining to the  
7 confidential informant. On that basis, the parties agreed to the new trial date and agreed to  
8 notify the Court if they are able to reach a pre-trial resolution. On that basis, the parties  
9 requested that the matter be set for trial on April 25, 2011 and that time be excluded under the  
10 Speedy Trial Act between November 4, 2010 and April 25, 2011.

11 Based upon the representation of counsel and for good cause shown, the Court finds that  
12 failing to exclude the time between November 4, 2010 and April 25, 2011 would unreasonably  
13 deny the defendant continuity of counsel and would deny counsel the reasonable time necessary  
14 for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §  
15 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time  
16 between November 4, 2010 and April 25, 2011 from computation under the Speedy Trial Act  
17 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §  
18 3161(h)(7)(A). Therefore, IT IS HEREBY ORDERED that the time between November 4, 2010  
19 and April 25, 2011 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §  
20 3161(h)(7)(A) and (B)(iv). IT IS FURTHER ORDERED that the matter is set for trial on April  
21 25, 2011 and that the previously set pre-trial deadlines are vacated.

22  
23 DATED: November 5, 2010



LAUREL BEELER  
United States Magistrate Judge